

<sup>38 40 42 44</sup>  
78 81. The cassette of claims ~~41~~, ~~42~~, ~~43~~ or ~~47~~, wherein said electrode further comprises an additional domain comprising reagents for calibration.

<sup>39 41 43</sup>  
79 82. The cassette of claims ~~42~~, ~~44~~ or ~~46~~, wherein said plurality of electrodes further comprise an additional domain comprising reagents for calibration.

<sup>38 39 40 41 42 43 44</sup>  
80 83. The cassette of claims ~~41~~, ~~42~~, ~~43~~, ~~44~~, ~~45~~, ~~46~~ or ~~47~~, wherein at least one of said analytes is a nucleic acid.

### REMARKS

Reconsideration and withdrawal of the rejection of this application are respectfully requested.

Claims 1-29 were pending in this application. By this Amendment, claim 4 has been amended to further define the invention. Claims 1-3 have been cancelled without prejudice or disclaimer and claims 30-83 have been added to define certain additional embodiments of the invention. No new matter has been added.

Applicants enclose a check in the amount of \$ 2,460.00 for the one hundred ninety-seven (204) additional claims (with multiple dependencies) in excess of twenty and sixteen (16) additional independent claims in excess of three. Applicants also enclose a check for \$130.00 for the use of multiple dependent claims.

No additional fee is believed necessary for entry and consideration of this Amendment. However, the Commissioner is hereby authorized to charge any additional fees for consideration of this Amendment and entry of the claims herewith, or credit any overpayment in such fees to Deposit Account No. 50-0297.

Applicants would also like to thank Examiner Ponnaluri and Examiner Achutamurthy for the courtesies extended to the undersigned and two of the inventors, Dr. Wilbur and Dr. Sigal, during the interview on March 25, 1999. As requested by the Examiner, Applicants are forwarding: (a) copies of the diagrams discussed during the interview and (b) a list of the pending related applications. A chart setting forth the support for the amendments was provided to the Examiner during the interview.

Claims 4-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-39, 42-49, 61-66, 78 and 79 of copending U.S. Application Serial No. 08/611,804 to Wohlstadter ("Wohlstadter '804 application").

Claims 4-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-104 of copending U.S. Application Serial No. 08/470,089 to Wohlstadter ("Wohlstadter '089 application").

Claims 4-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-153 of copending U.S. Application Serial No. 08/470,874<sup>1</sup> to Wohlstadter ("Wohlstadter '874 application").

---

<sup>1</sup> In the Office Action, the rejection refers to U.S. Application Serial No. 08/470,484, which issued as U.S. Patent 5,578,181 entitled "Method for Treating Waste Water Containing Neutral Salts Comprising Monovalent Ions." The serial number appears to contain a typographical error as the cited application is unrelated to the present application. Therefore, Applicants have reviewed the copending applications and respectfully submit that it is believed the correct serial number is 08/470,874.

Claims 4-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-80 (Rejection D) and claims 2-10 and 15-22 (Rejection E) of copending U.S. Application Serial No. 08/471,050 to Wohlstadter ("Wohlstadter '050 application").

Each of the above-described rejections will be addressed collectively.

In order to obviate the above-described rejections and to expedite allowance of the present application, Applicants will agree to submit a terminal disclaimer, if still appropriate, upon allowance of the claims without admitting obviousness over the cited copending applications. (see, Quad Environmental Technologies v. Union Sanitary District, 20 U.S.P.Q. 2d 1392, 1394-5 (Fed.Cir. 1991)). Accordingly, Applicants respectfully urge that the obviousness-type double patenting rejection be withdrawn upon submission of a terminal disclaimer.

Applicants would also like to bring to the Examiner's attention copending applications U.S. Serial No. 08/402,277 and U.S. Serial No. 08/479,425. Applicants submit that a terminal disclaimer may also be required with respect to these copending applications.

Applicants note that an assignment was recorded in the present application on June 13, 1996 (Reel/Frame: 8026/0026). However, assignments have not been recorded in the above-identified copending applications. Accordingly, Applicants submitted to the U.S. Patent Office an assignment for recordation in the copending applications on March 24, 1999.

However, in order to further the prosecution of the present application and pursuant to Section 804 of the MPEP, Applicants respectfully request that since the "provisional" double patenting rejections are the only rejections remaining, the rejections be withdrawn and the present application be allowed to issue as a patent. A double patenting rejection could then be

maintained in the cited copending applications. Thus, Applicants submit that the instant application is in condition for allowance, the early notification of which is respectfully requested.

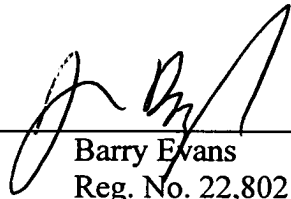
Applicants respectfully request that the Examiner acknowledge the Information Disclosure Statement submitted January 14, 1999 and the Supplemental Information Disclosure Statement filed March 23, 1999 and return an initialed copy of the forms PTO-1449 ("List of References Cited by Applicant") to Applicants' attorneys.

Additionally, if the Examiner believes that there are any issues still pending which present an impediment to allowance, it is respectfully requested that the undersigned be contacted by telephone to conduct a telephone interview.

Respectfully submitted,

WHITMAN BREED ABBOTT & MORGAN LLP  
Attorneys for Applicants

By: \_\_\_\_\_



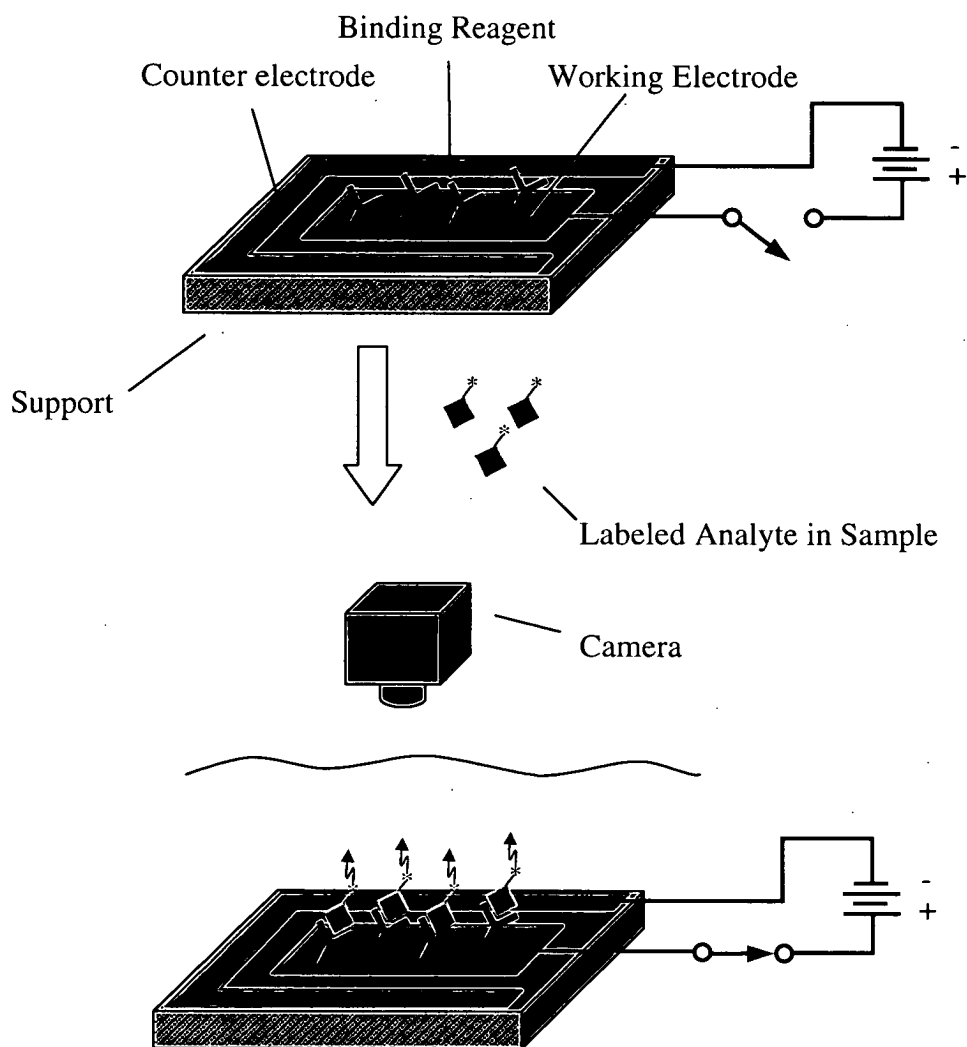
Barry Evans  
Reg. No. 22,802  
John E. Boyd  
Reg. No. 38,055  
(212) 351-3000

# RELATED APPLICATIONS FOR MULTI-ARRAY, MULTI-SPECIFIC ELECTROCHEMILUMINESCENCE TESTING

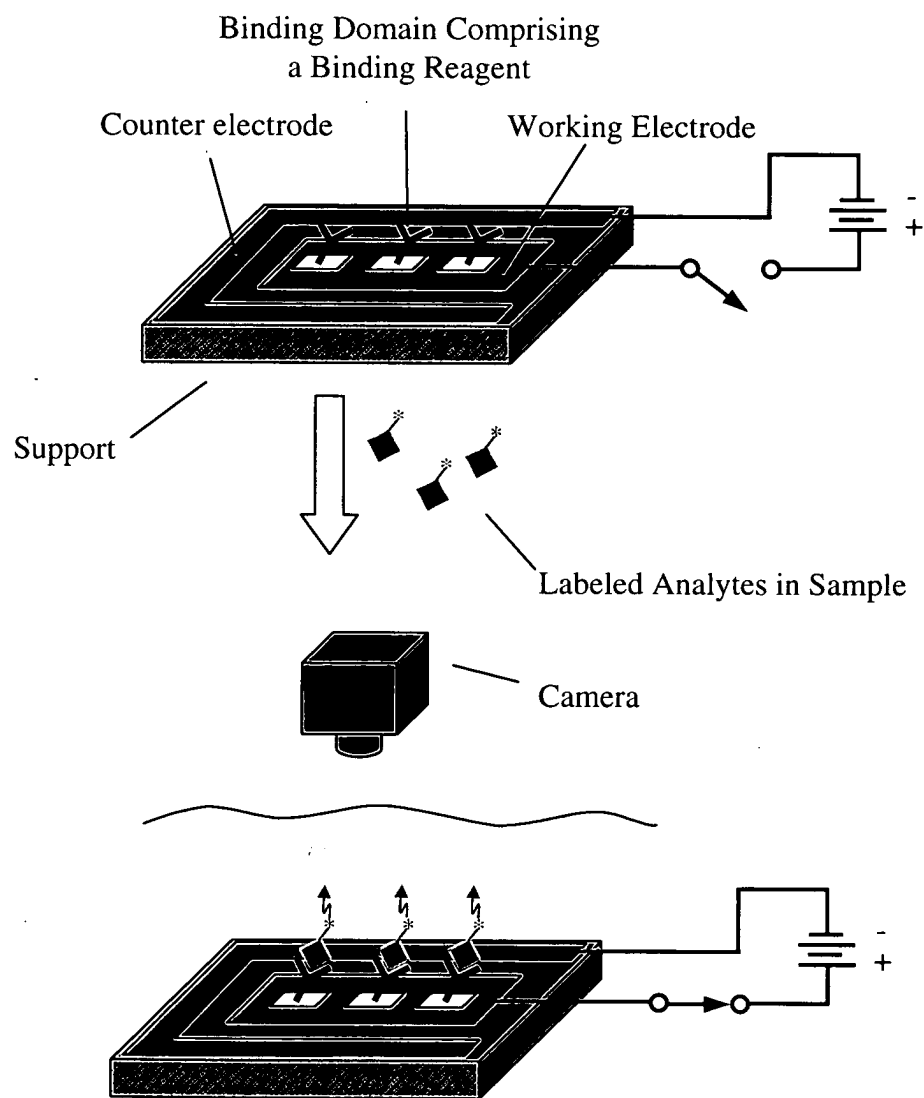
COUNTRY	APPLN. NO.	FILING DATE	STATUS	PRIORITY INFORMATION	EXAMINER
US	08/402,076	3/10/95	Pending		Achutamurthy
US	08/402,277	03/10/95	Pending		Chin
US	08/472,021	06/06/95	Pending	DIV of 08/402,277 (Allowed)	Chin
US	08/479,425	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/470,089	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/470,874	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/471,050	06/06/95	Pending	DIV of 08/402,277	Chin
US	08/472,029	06/06/95	Pending	DIV of 08/402,076	Achutamurthy
US	08/471,431	06/06/95	Pending	DIV of 08/402,076	Achutamurthy
US	08/469,550	06/06/95	Pending	DIV of 08/402,076	Achutamurthy
US*	08/611,804	03/06/95	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US*	08/814,141	03/06/97	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US*	08/814,085	03/06/97	Pending	CIP of 08/402,076 and 08/402,277	Achutamurthy
US	08/715,163	09/17/96	Pending	CIP of 08/611,804, which is a CIP of 08/402,076 and 08/402,277	Achutamurthy
US	08/932,110	09/17/97	Pending	CIP of 08/715,163, which is a CIP of 08/611,804, which is a CIP of 08/402,076 and 08/402,277	Not assigned

\* Discussed during March 25, 1999 Interview

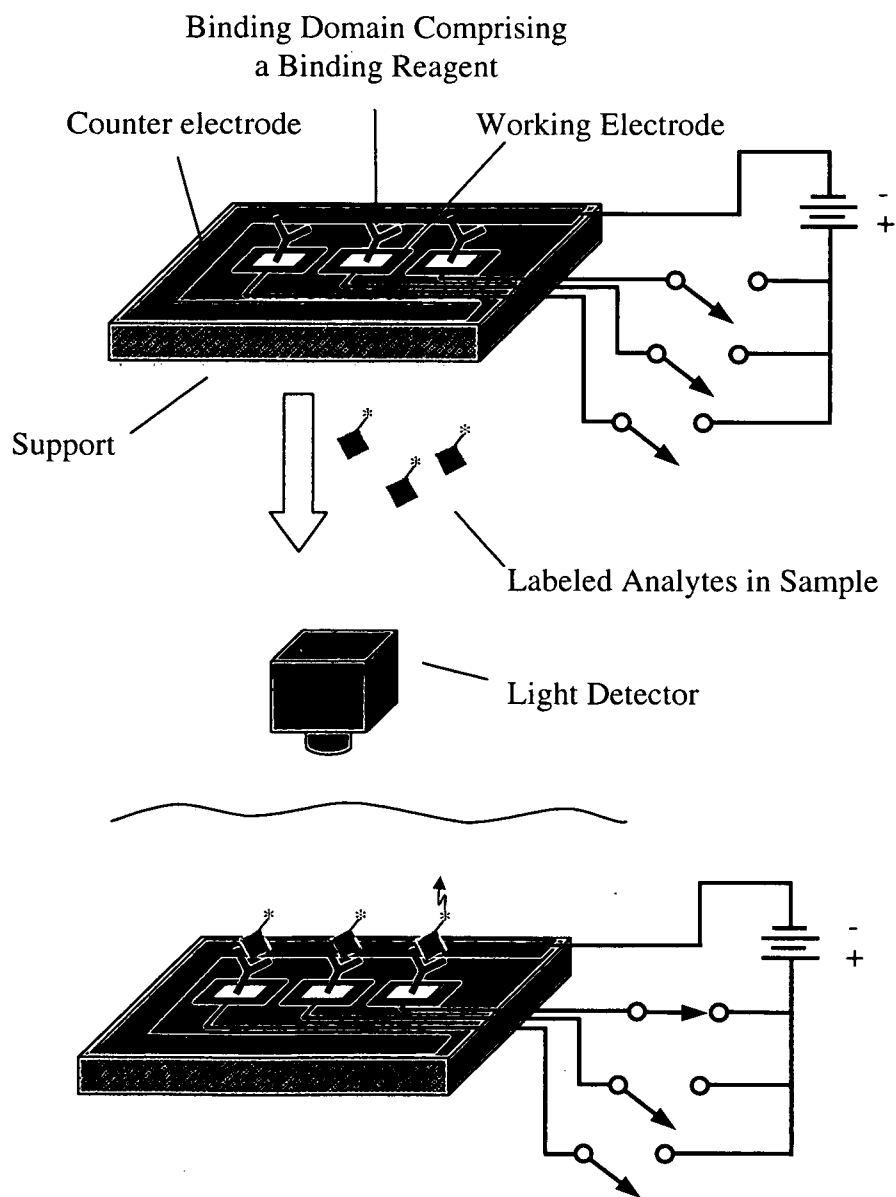
# Binding Reagent on a Electrode



# Plurality of Binding Domains on an Electrode

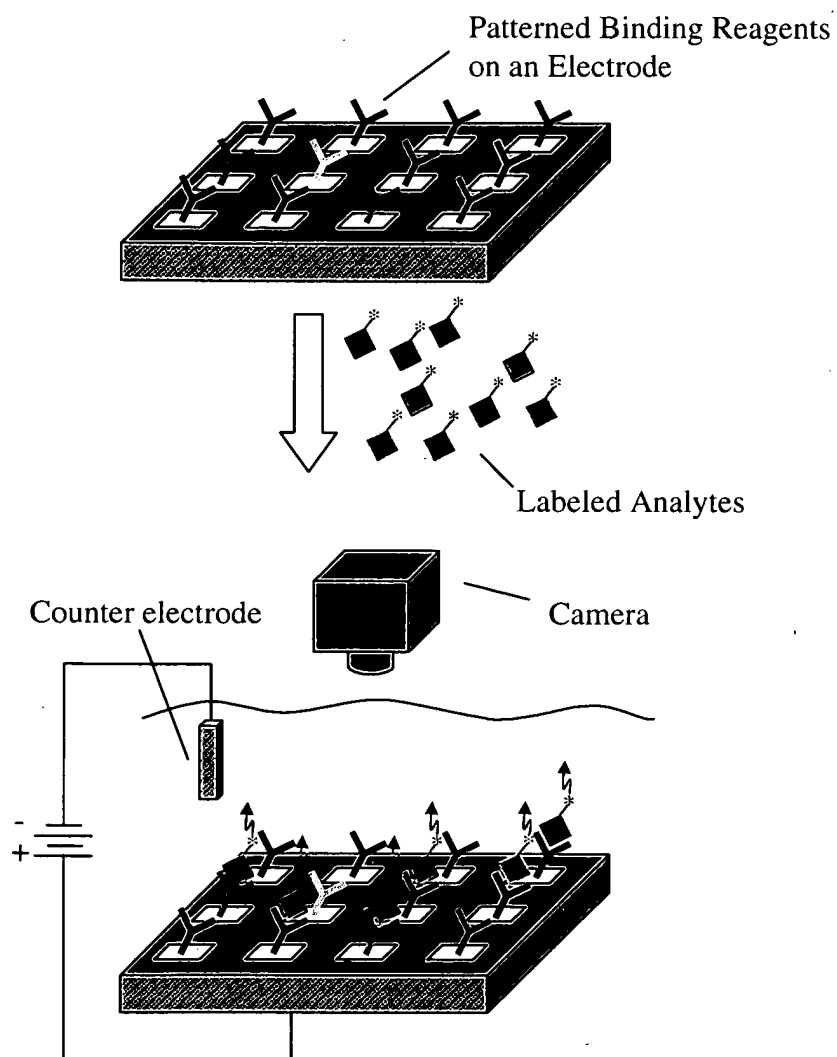


# Plurality of Binding Domains on a Plurality of Electrodes





# Multi-Array Multi-Specific ECL Testing



# Apparatus and Cassette for Multi-Array Multi-Specific ECL Testing

